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Meeting of the Parties to the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters

Fifth session
Maastricht, the Netherlands, 30 June and 1 July 2014
Item 4 (b) of the provisional agenda
Substantive issues: public participation in decision-making

Draft decision V/2 on public participation in decision-making

Summary

The present document sets out a draft decision on public participation in decision-making prepared by the Bureau of the Meeting of the Parties to the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters. In view of its mandate to "make such proposals and recommendations to the Meeting of the Parties as it considers necessary for the achievement of the purposes of the Convention" (ECE/MP.PP/2/Add.15, para. 2 (d)), at its sixteenth meeting (Geneva, 19–21 June 2013), the Working Group of the Parties to the Convention requested the Bureau to prepare a draft decision on public participation in decision-making (ECE/MP.PP/WG.1/2013/2, para. 14) for its consideration, revision and approval and subsequent submission to the Meeting of the Parties.

The draft decision was prepared on the basis of Meeting of the Parties decision EMP.II/1 on the same subject matter, the outcome of the work undertaken by the Task Force on Public Participation in Decision-making in the current intersessional period and the note by the Chair of the Task Force on Public Participation in Decision-making (AC/WGP-16/Inf.2) submitted to the sixteenth meeting of the Working Group. The document was subsequently distributed for consultation to Parties and stakeholders. The Bureau considered the comments received and prepared the present, revised version of the document for further consideration and approval by the Working Group at its seventeenth meeting (Geneva, 26–28 February 2014).

At its seventeenth meeting, the Working Group revised and approved, as amended at

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the meeting, the draft decision on public participation in decision-making (AC/WGP-17/CRP.2)[1] and requested the secretariat to submit it to the Meeting of the Parties for consideration at its fifth session.

[1] Available from http://www.unece.org/env/pp/aarhus/wgp17.html.

The Meeting of the Parties,

Recalling the provisions of articles 6, 7 and 8 of the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters and the provisions of article 6 bis of the amendment to the Convention on public participation in decisions on the deliberate release into the environment and placing on the market of genetically modified organisms,

Further recalling its decisions EMP.II/1 on public participation in decision-making, decision V/5 on the strategic plan for 2015–2020 and V/6 on the work programme for 2015–2017,

Mindful that the 2011 cycle of national implementation reports, the findings of the Compliance Committee and the work carried out under the auspices of the Task Force on Public Participation in Decision-making to date have collectively shown that challenges remain to the full implementation of the second pillar of the Convention across the region,

Recognizing the vital role played by the Task Force on Public Participation in Decision-making in bringing together experts from governments, civil society and other stakeholders to exchange experiences regarding those challenges and to explore possible good practices to address them,

Welcoming the important contribution to furthering the implementation of the second pillar played by organizations engaged in capacity-building at the national and subregional levels,

Welcoming also the work of Aarhus Centres in several countries as platforms to facilitate public participation by providing environmental information, raising public awareness, promoting participatory debate on environmental policies, programmes and projects and providing assistance to members of the public in exercising their rights,

Underlining the need to further the implementation of the second pillar of the Convention (articles 6, 7 and 8, and eventually 6 bis) so as to provide for more effective public participation in decision-making in environmental matters,

1. *Notes* with appreciation the work undertaken by the Task Force on Public Participation in Decision-making and expresses its gratitude to Ireland for its leadership of the Task Force;

2. *Takes note* of the Maastricht recommendations on promoting effective public participation in decision-making (ECE/MP.PP/2014/8) developed under the auspices of the Task Force, and invites Parties, Signatories, other interested States and stakeholders to use them as a guidance to improve implementation of the second pillar of the Convention;

3. *Welcomes* initiatives taken by Parties, Signatories, international organizations, non-governmental organizations, research institutes and other stakeholders to study good practices, examine practical means of promoting more effective public participation in environmental decision-making and share their findings and experience, and encourages further activities to this end;

4. *Requests* the secretariat to make information on such activities as widely accessible as possible through the Aarhus Good Practice database and other online tools;

5. *Invites* Parties, Signatories, international organizations, non-governmental organizations and other stakeholders to strengthen implementation of the public participation pillar of the Convention at the national level and where possible to make resources available for this purpose;

6. *Invites* organizations engaged in capacity-building to consider developing training programmes at the national and subregional levels for public officials involved in the day-to-day task of carrying out public participation procedures covered by articles 6, 7 and 8 of the Convention;

7. *Invites* researchers focusing on participatory processes and environmental decision-making to use the resources gathered under the auspices of the Task Force in their research, and also to share the results of their research with the Task Force;

8. *Encourages* Parties, Signatories, other interested States, international organizations, non-governmental organizations, research institutes and other stakeholders to participate in the activities under the Convention on public participation in decision-making and to allocate sufficient resources for this matter;

9. *Decides* to extend in time the mandate of the Task Force on Public Participation in Decision-making, under the authority of the Working Group of the Parties to the Convention, to carry out further work, taking into consideration the relevant work being undertaken by Parties, Signatories and other stakeholders;

10. *Welcomes* the offer of [.....] to [continue to] lead the Task Force on Public Participation in Decision-making;

11. *Requests* the Task Force, subject to the availability of resources, to undertake the following tasks:

(a) Continue working to strengthen the implementation of the public participation provisions of the Convention;

(b) Continue working to identify the main obstacles to effective public participation in all types of decision-making within the scope of articles 6, 7 and 8 of the Convention at the national, provincial and local levels, including barriers to participation for non-governmental organizations, the general public and marginalized groups, and taking into account, inter alia, the national implementation reports, the findings of the Compliance Committee, other relevant assessments and the experiences of the public;

(c) Continue working to exchange good practices to address the main obstacles to the full implementation of the second pillar of the Convention, including, inter alia, the different types of "decisions" and "decision-making" covered by the Convention and the implications for public participation of different decision-making methods, also through the gathering of experiences from Parties and stakeholders regarding the application of the Maastricht recommendations on promoting effective public participation in decision-making;

(d) Continue working to identify innovative practices that facilitate more effective public participation without entailing additional significant financial or human resources on the part of public authorities;

(e) Continue to oversee the collection and dissemination of good practices in public participation in decision-making through the Aarhus Good Practice online database;

(f) While taking care to allow sufficient time to address the implementation of articles 6, 7 and 8 generally, investigate possibilities for focusing in greater depth on collaboration with relevant partner organizations, as appropriate, on implementation of the Convention's public participation requirements in decision-making in those fields of activity considered to be of particularly high priority at the current time, for example, decision-making for sustainable development; climate-change related decision-making; [the nuclear domain, energy-related planning and policymaking; and the extractive sector;] [and, if resources allow, decision-making on chemicals; food and agriculture; emerging technologies (e.g., nanotechnology) and product-related decision-making;]

(g) Assess the Convention's provisions on public participation in decision-making having a significant impact on the environment, encompassing, inter alia, sustainable development, and consider options for a possible follow-up identified through the assessment.